

APR 14 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MELINDA FRIEND; et al.,

Plaintiffs - Appellees,

v.

THE HERTZ CORPORATION,

Defendant - Appellant.

No. 08-16963

D.C. No. 3:07-cv-05222-MMC

Northern District of California,
San Francisco

ORDER

On Remand from the United States Supreme Court

Before: FERNANDEZ, CALLAHAN and IKUTA, Circuit Judges.

In light of the Supreme Court's decision in *Hertz v. Friend*, 559 U.S. ____ (2010), the order of the district court granting plaintiff's motion to remand is vacated, and the case is remanded for further proceedings consistent with *Hertz*.